

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of:</p> <p>Desnoyers et al.</p> <p>Serial No.: 10/036,214</p> <p>Filed: December 26, 2001</p> <p>For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i></p>	<p>Group Art Unit: Not yet assigned</p> <p>Examiner: Not yet assigned</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, ATTN: Licensing and Review, Washington, D.C. 20231 on</p> <p><u>October 3, 2002</u></p> <p><u>Teri Lee</u></p> <p>Teri Lee</p>
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**RESPONSE TO REQUIREMENT FOR STATEMENT UNDER § 152 OF THE ATOMIC ENERGY ACT**

Assistant Commissioner of Patents  
ATTN: Licensing and Review  
Washington, D.C. 20231

Sir:

This is in response to the Requirement for Statement under § 152 of the Atomic Energy Act (Paper No. 11) mailed herein on September 6, 2002. In response, Applicants submit herewith a copy of the fully executed property rights statement to the DOE and/or NASA under 42 U.S.C. §§ 2182 and 2457 which was filed on October 1, 2002 in U.S. Application Serial No. 09/931,836 (of which the above captioned patent application is a continuation). Applicants note that the herewith submitted property rights statement is applicable to not only parent U.S. Application Serial No. 09/931,836, but to all continuations of that parent patent application as well, including the present U.S. Application Serial No. 10/036,214 (see Appendix A of the herewith submitted property rights statement). Applicants, therefore, submit that the requirements for replying to Paper No. 11 have herein been satisfied and respectfully request that this

**Serial No.:** 10/036,214

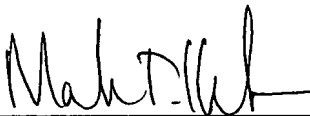
**Filed:** December 26, 2001

application be forwarded to the appropriate art unit for substantive examination.

The Commissioner is authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

By: 

Mark T. Kresnak, Ph.D.

Reg. No. 42,767

Telephone: (650) 225-4461



09157

PATENT TRADEMARK OFFICE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Group Art Unit: 1646
Desnoyers et al.	Examiner: Not yet assigned
Serial No.: 09/931,836	
Filed: August 16, 2001	
For: <i>Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same</i>	

**PROPERTY RIGHTS STATEMENT TO DOE AND/OR NASA (42 U.S.C. §§ 2182 and 2457) -  
INVENTORS EMPLOYED BY AN ORGANIZATION**

OK  
Assistant Commissioner of Patents  
ATTN: Licensing and Review  
Washington, D.C. 20231

RECEIVED  
OCT 15 2002  
LICENSING & REVIEW

Sir:

We, as joint inventors named in the above captioned patent application and the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A, hereby declare with respect to the invention(s) described and claimed in the above captioned patent application and in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A that:

1. We made and conceived (a) the invention described and claimed in the above captioned U.S. patent application Serial No. 09/931,836 filed in the United States of America on August 16, 2001 and entitled "Secreted and Transmembrane Polypeptides and Nucleic Acids Encoding the Same" and (b) the invention(s) described and claimed in the continuation applications of the above captioned patent application as listed on the herewith attached Appendix A (henceforth the "Inventions");

2. We made and conceived these Inventions while employed by Genentech, Inc., 1 DNA Way, South San Francisco, California, 94080;

3. These invention(s) are related to the work we are employed to perform (or were employed to perform, if no longer employed by Genentech, Inc.) and were made within the scope of our employment duties; that these inventions were made during working hours and with the use of facilities, equipment, materials, funds, information and services of Genentech, Inc.;

4. To the best of our knowledge and belief, these Inventions were not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy;

5. To the best of our knowledge and belief, these Inventions were not made (conceived or first actually reduced to practice) under, nor is there any relationship of these Inventions to the performance of any work under any contract of the National Aeronautics and Space Administration;

6. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Full name of first inventor**

Luc Desnoyers

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Citizenship: CA

Inventor's signature: \_\_\_\_\_

Date: 09/04/2002

**Full name of second joint inventor**

Dan L. Eaton

45 Inverness Drive, San Rafael, CA 94901

Citizenship: US

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

3. These invention(s) are related to the work we are employed to perform (or were employed to perform, if no longer employed by Genentech, Inc.) and were made within the scope of our employment duties; that these inventions were made during working hours and with the use of facilities, equipment, materials, funds, information and services of Genentech, Inc.;

4. To the best of our knowledge and belief, these Inventions were not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy;

5. To the best of our knowledge and belief, these Inventions were not made (conceived or first actually reduced to practice) under, nor is there any relationship of these Inventions to the performance of any work under any contract of the National Aeronautics and Space Administration;

6. We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that all such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Date: 9-5-02

Serial No.: 09/931,836


Filed: August 16, 2001

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Date: Sept. 4, 2002

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**Filed:** August 16, 2001

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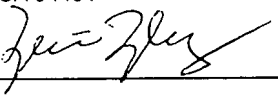
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Application No.	Application Date	File No
10/035977	26Dec2001	P3030R1C10
10/036214	26Dec2001	P3030R1C11
10/035719	26Dec2001	P3030R1C2
10/036160	26Dec2001	P3030R1C3
10/035855	26Dec2001	P3030R1C4
10/036342	26Dec2001	P3030R1C5
10/036063	26Dec2001	P3030R1C6
10/035958	26Dec2001	P3030R1C7
10/036041	26Dec2001	P3030R1C8
10/036150	26Dec2001	P3030R1C9